

Commonwealth of Kentucky
Equal Employment Opportunity Coalition
E-Newsletter
July 28, 2008

Good Afternoon EEO Coalition Members,

As we come to the end of July, I want to update you on developments from the Personnel Cabinet and the EEO Coalition committees. The following contains relevant and useful information on upcoming training, conferences and regulatory updates.

1. 22nd Annual Governor's EEO Conference - "The Evolution of Equality"

On July 23, 2008, in preparation for this year's EEO Conference you should have received an email from the State EEO Coordinator extending a priority registration invitation to each of you. The Governor's 22nd Annual EEO Conference is scheduled for Wednesday, October 1st, 8:30 a.m. – 5:00 p.m.

General registration starts today! If you have not already done so, visit <http://personnel.ky.gov/diversity/eeoconf/> to complete your registration. Please be advised we are asking all EEO Coordinators to attend the E-RACE Initiative session in the morning, and the EEO legal Updates session scheduled for 2:15 – 3:30 during the afternoon. You are welcome to complete your agenda with two additional selections of your preference.

2. I would like to recognize and thank the following EEO Coordinators who have volunteered to join the **Training, Education & Outreach Committee**:

Alvin Wilson, Business and Occupational Development, Transportation Cabinet
Tory Rawlins, Safety and Training Branch, Tourism, Arts & Heritage Cabinet
Bobby Bowe, Secretary's Office, Finance and Administration Cabinet

3. **Anti-harassment Train-the-Trainer** sessions have been scheduled to assist you with conducting Anti-harassment employee training within your agencies. If you are interested in conducting and/or facilitating training, please note the following training schedule:

<u>Date</u>	<u>Audience</u>	<u>Title</u>	<u>(GSC) Rm</u>	<u>Time</u>
8/14	EEO Coord. (only)	Anti-Harassment (Train-the-Trainer)	542	9am – 12pm
9/17	EEO Coord. (only)	Sexual Harassment (Train-the-Trainer)	542	9am – 12pm
10/17	State Employees (capacity 30)	Anti-Harassment (Classroom)	539	9am – 12pm
11/12	State Employees (capacity 30)	Sexual Harassment (Classroom)	536	9am – 12pm

4. In conjunction with GSC on Friday, July 25, the final steps for the **Anti-Harassment On-line Training** module was completed. Once the module has been completed it will then be tested by the TEOC committee before it is made available for all state government employees.*Please note: on-line employee training will be available by 8/11. Registration details will be forwarded no later than August 4th. As we intend to implement a process for annual training of all state employees, we are asking EEO Coordinators to coordinate the completion of on-line Anti-Harassment training for as many of your employees as possible by March 2009 (excluding those who have completed instructor – led training since April 2008). We understand this will be a huge undertaking, but are confident that together we will be able to coordinate this effort. Please stay tuned for more details regarding training schedules and registration procedures.
5. The TEOC committee is currently developing a Sexual Orientation/Gender Identity and a Religious Discrimination Training module with anticipated completion by October 1, 2008. **More details will follow.**
6. The **Semi-Annual EEO Coordinator's Forum (Planning Committee)** is currently working on the agenda for the next forum scheduled for Friday, October 31, 2008.
7. **Governor's Fourth Annual Empowerment Conference** - Empowering today, for a brighter Commonwealth tomorrow.

The conference is **FREE** and will be held on Monday, August 18, 2008, at the Lexington Convention Center, 430 W. Vine St., Lexington, Kentucky.

All attendees must pre-register. There will be **No on-site Registration.** To register and view the conference agenda please visit the following web-site: <http://ome.ky.gov/conf/>. Deadline for registration is close of business August 8, 2008.

8. Personnel Cabinet's Office of the Secretary Communications

July 18, 2008, Personnel Cabinet new regulation 101 KAR 2:221 – **Employee Educational Assistance Program (EEAP)**. This administrative regulation establishes the requirements for employee participation in and the agency reporting obligations relating to the Employee Educational Assistance Program that will not conflict with the EEAP and is subject to approval by GSC's Executive Director. (see **attachment**)

July 21, 2008, **Veteran's Preference for State Hiring – Emergency Regulation**. The previous method of awarding Veterans' Preference was to provide an additional five (5) points to a veteran's selection method score, pursuant to KRS 18A.150. However, on May 16, 2008, with the support of all agencies, the Personnel Cabinet eliminated the testing selection method. This amendment is necessary to comply with the spirit and intent of KRS 18A.150. (see **attachment**)

July 23, 2008, KCPM Applications Request. The Governmental Services Center (GSC) is accepting applications to the **Kentucky Certified Public Managers Program (KCPM)** for the 2008 fall session. The application deadline for the fall enrollment is August 1st, with orientation on August 6, 2008. (see attachment)

ADA News

The 18th Anniversary of the Americans with Disability Act of 1990 (ADA), was July 26th.

To read more about updates regarding the legislation click on the attached links.

ADA Restoration Act – A Bill to restore the intent and protections of the Americans with Disabilities Act of 1990. http://thomas.loc.gov/home/gpoxmlc110/h3195_ih.xml

[Proposed legislation changes rules on workplace disabilities](#)

July 3, 2008 by Jim Giuliano

Posted in: [Disability discrimination](#), [Employment law](#), [In this week's e-newsletter](#), [Latest News & Views](#)

In reaction to controversial court rulings, Congress is fast-tracking some amendments to the Americans with Disabilities Act (ADA), including a clarification on the definition of “disability.”

The U.S. House already has passed the measure by a 402-17 vote, and President Bush has announced his support for the bill.

Among the key components of the legislation:

- *Clarified definition of “disability.”* The legislation would clarify the current requirement that impairment must substantially limit a major life activity in order to be considered a disability. The amendment adds that the disability “materially restricts” the person - although the legislation doesn’t define “materially restricts.”
- *Exclusion of consideration of mitigating measures.* The legislation would prohibit consideration of mitigating measures in determining whether an individual has a

disability. For instance, a person with a hearing disability would still be considered disabled even if he or she used hearing aids to substantially lessen the disability. The only exceptions to the exclusion would be ordinary eyeglasses and contact lenses.

- *Expanded definition of “regarded as” disabled.* The legislation would provide that an individual is “regarded as” having a disability if the employee establishes that he or she has been discriminated against because of an actual or perceived physical or mental impairment. The “regarded as” component wouldn’t apply to transitory and minor impairments where the impairment is expected to last less than six months.
- *Same burden-of-proof requirement.* After consideration, legislators let stand the requirement that the employee would continue to bear the burden of proving that he or she is a qualified individual with a disability.

If passed as expected, the legislation would go into effect Jan. 1.

Click [here](#) to see the full text of the legislation, H.R. 3195.

If you have any concerns or suggestions regarding this communication, or recommendations for the EEO Coalition committees, (Semi-Annual EEO Coordinator’s Forum Planning Committee, Governor’s EEO Conference Planning Committee or Training, Education & Outreach Committee (TEOC), I encourage you to forward your comments to me at arthurb.lucas@ky.gov.

Thank you,

Arthur Lucas
State EEO Coordinator